

11 South Meridian Street
Indianapolis, Indiana 46204
(317) 236-1313

Telecopier (Fax) Number: (317) 231-7433

BARNES & THORNBURG
Attorneys at Law

Call before sending
Telephone Number:

FAX COVER SHEET

TO: Doshie Day COMPANY NAME: USPTO-OIPE Customer Service
FROM: Jeffrey A. Michael TELECOPY NO.: ~~703-308-7751~~ 703-305-9822
DATE: November 29, 2004 TIME SENDING: 2:30

NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 22

If you have difficulty receiving this Fax, please call Barnes & Thornburg at (317) 231-7495 and ask for Laura

Re: U.S. Application Serial No.: 10/616,262

CLIENT # 29766
MATTER # 71993

☐ Original to follow by mail
☒ Original will not follow by mail

CONFIDENTIALITY NOTICE: This message is for the exclusive use of the individual or entity to which it is addressed and is confidential. If you are not the addressee or an employee or agent of the addressee responsible for delivering it to the addressee, please do not read, use, disclose, copy or distribute this message and do not take any action in reliance upon it. If you have received this message in error, please notify us immediately by telephone (collect) to arrange for its return. We do not intend to waive any attorney-client or work product privilege by the transmission of this message.

Indianapolis

Fort Wayne

South Bend

Elkhart

Chicago

Washington, D.C.

Route to: Angela Lanning

BARNES & THORNBURG LLP

11 South Meridian Street
Indianapolis, Indiana 46204
(317) 236-1313

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group: 2877
Confirmation No.: 9866
Application No.: 10/616,262
Invention: EMI NOISE FILTER FOR EDDY
CURRENT TURBO SPEED
SENSOR
Applicant: Yue Yun Wang et al.
Filed: July 9, 2003
Attorney
Docket: 29766-71993
Examiner: Unknown

} Certificate Under 37 CFR 1.8(a)
} I hereby certify that this correspondence is being
} facsimile transmitted to the United States Patent and
} Trademark Office (Division), fax number 1-703-308-
} 7751

} on November 4, 2004

} Angela Kay Lanning
} (Signature)

} Angela Kay Lanning
} (Printed Name)

PETITION TO WITHDRAW HOLDING OF
ABANDONMENT UNDER 37 CFR § 1.181(a)

VIA FACSIMILE 703-308-7751
Attention: Doshie Day

OIPE CUSTOMER SERVICE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Notice of Abandonment regarding the above-captioned application was sent out on October 19, 2004 for failure to reply to a Notice to File Missing Parts dated 1/23/04. However, Applicants did timely and sufficiently reply to this notice and consequently there is no abandonment in fact. Therefore, Applicants respectfully request the Commissioner to withdraw the holding of abandonment for the subject application pursuant to MPEP § 711.03.

The Notice has alleged that the above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed

on January 22, 2004. However, Applicants respectfully submit evidence showing that Applicants timely filed a Letter to Official Draftsman Submission of Acceptable Drawings on October 29, 2003, thereby satisfying the replacement drawing requirement that accompanied the first Notice to File Missing Parts dated October 7, 2003.

(1) Exhibit 1 shows the USPTO's Notice to File Missing Parts of Nonprovisional Application dated October 7, 2004. This notice includes a requirement to file replacement drawings in compliance with 37 CFR §1.84 and 37 CFR §1.121.

(2) Exhibit 2 shows that Applicants filed a Letter to Official Draftsman Submission of Acceptable Drawings on October 29, 2003. Exhibit 2 also includes a copy of the returned postal receipt bearing the USPTO's OIPE stamp dated November 3, 2003, indicating that the USPTO received and processed these drawings.

(3) Exhibit 3 shows the USPTO's Second Notice to File Missing Parts of Nonprovisional Application dated January 23, 2004 indicating that Applicants properly fulfilled the signed oath/declaration requirement set forth in the first Notice to File Missing Parts, but that replacement drawings in compliance with 37 CFR §1.84 and 37 CFR §1.121 were still required;

(4) Exhibit 4 shows the USPTO's Withdrawal of the Notice mailed January 23, 2004 (Exhibit 3), which was sent to Applicants by facsimile on July 19, 2004. This exhibit demonstrates the USPTO's recognition that Applicants had, in fact, properly responded previously to the replacement drawings requirement.

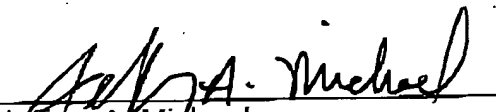
(5) Exhibit 5 shows a copy of the USPTO'S subsequent Notice of Abandonment dated October 19, 2004. This Withdrawal indicates that a corrected Notice is enclosed, but no such corrected Notice was received as evidenced by the page identification numbers appearing at the tops of these faxed papers. Only the two pages of Exhibit 5 were sent and received. Further, Applicants undersigned attorney never received a hard copy of this Withdrawal via regular mail.

Applicants' evidence shows that Applicants fully complied with the first Notice to File Missing Parts (Exhibit 1) prior to the mailing of the second Notice to file

Missing Parts dated January 23, 2004 (Exhibit 3). Therefore the USPTO's Second Notice to File Missing Parts dated January 23, 2004, as well as the Notice of Abandonment dated October 19, 2004 were sent in error. The USPTO originally acknowledged this error by their withdrawal of Previously Sent Notice dated January 23, 2004 (Exhibit 4), but then erroneously sent the Notice of Abandonment (Exhibit 5) on October 19, 2004. Accordingly, Applicants respectfully request the withdraw of the holding of abandonment for the subject application pursuant to MPEP § 711.03. If any additional information is required in support of this Petition, please contact the undersigned by telephone, fax or e-mail.

Applicants believe that no fees are required with this petition under 37 CFR § 1.181(a). If any fees are required, the Commissioner is authorized to charge the same to the account of Barnes & Thornburg, Deposit Account No. 10-0435, with reference to our matter number 29766-71993.

Respectfully submitted,


Jeffrey A. Michael
Registration No. 37,394
Barnes & Thornburg
11 South Meridian Street
Indianapolis, Indiana 46204-3335
Telephone: (317) 231-7382
Fax: (317) 231-7433
E-Mail: jmichael@btlaw.com

JAM/aki
Enclosures: Exhibits 1-5